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14 ATTORNEYS FOR GRUMA CORPORATION D/B/A MISSION FOODS

15 **UNITED STATES BANKRUPTCY COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN JOSE DIVISION**

18 In re:

19 MI PUEBLO SAN JOSE INC.,

20 Debtor.

21 Case No. 13-53893-ASW

22 Chapter 11

23 **1) NOTICE OF HEARING ON**
24 **MOTION OF GRUMA**
25 **CORPORATION D/B/A MISSION**
26 **FOODS FOR ALLOWANCE AND**
27 **PAYMENT OF ADMINISTRATIVE**
28 **EXPENSE CLAIM PURSUANT TO**
29 **11 U.S.C. § 503(B)(9);**

30 **2) WELL FARGO BANK'S**
31 **OPPOSITION THERETO; AND**

32 **3) OPPORTUNITY FOR**
33 **HEARING BY OTHER PARTIES ON**
34 **SAID APPLICATION**

35 **HEARING DATE: OCTOBER 18, 2013**
36 **TIME: 3:00 P.M.**
37 **COURT: JUDGE ARTHUR S. WEISSBRODT**

38
39 **TO: THE HONORABLE ARTHUR S. WEISSBRODT, MI PUEBLO SAN JOSE, INC.,**
40 **WELLS FARGO BANK, N.A., AND ALL OTHER INTERESTED PARTIES AND TO**
41 **THEIR COUNSEL OF RECORD:**

1 **PLEASE TAKE NOTICE** that pursuant to 11 U.S.C. § 503(b)(9) and the *Amended*
2 *Order (I) Granting Administrative Expense Status to Debtor's Undisputed Obligations to*
3 *Vendors Arising from Postpetition Delivery of Goods Ordered Pre-Petition and Authorizing*
4 *Debtor to Pay Such Obligations in the Ordinary Course of Business; (II) Authorizing Payment*
5 *for Goods Received Within Twenty Days of Filing and Establishing Administrative Claims Bar*
6 *and to Allow Claims of Perishable Agricultural Commodities Act and Packers and Stockyard Act*
7 *Claimants Date for Section 503(B)(9) Claims; and (III) Establishing Procedures* [Dkt. No. 74]
8 (the “Vendor Order”), Gruma Corporation d/b/a Mission Foods (“Gruma”), creditor in the
9 above-captioned case, filed its *Motion for Allowance and Payment of Administrative Expense*
10 *Claim Pursuant to 11 U.S.C. § 503(b)(9)* (the “Motion”) [Dkt. Nos. 198] (the “Application”).
11 The completed Application is available for inspection through the electronic docket, at the Office
12 of the Clerk at the U.S. Courthouse, 280 S. First Street, Room 3035, San Jose, CA 95113, or by
13 contacting the undersigned.
14

15 The Application was electronically served on the Debtor and all parties entitled to service
16 through ECF, including Wells Fargo Bank, N.A., on August 29, 2013. Wells Fargo Bank, N.A.
17 filed its *Opposition to Application of Gruma Corporation d/b/a Mission Foods for Allowance*
18 *and Payment of Administrative Expense Under Bankruptcy Code 503(b)(9)* [Dkt. No. 226] on
19 September 4, 2013.
20

21 Any other party or person wishing to object to the Application should follow the
22 procedures of Bankruptcy Local Rule 9014-1 of the United States Bankruptcy Court for the
23 Northern District of California by: a) serving a written objection on the initiating party at least 14
24 days prior to the actual scheduled hearing date; and b) serving a copy of the request or objection
25 upon Gruma, the debtor’s counsel, counsel for the unsecured creditors committee, counsel for
26 Wells Fargo Bank and the United States Trustee. Any such request for hearing or objection must
27
28

1 be accompanied by any declarations or memoranda of law the requesting or objecting party
2 wishes to present in support of its position. If such a request or objection is timely filed, the
3 hearing on said request or objection will also take place on October 18, 2013 at 3:00 p.m. or, if
4 necessary, a later date, on at least seven days written notice.

5
6 RESPECTFULLY SUBMITTED this 19th day of September, 2013.

7 By: /s/ Bruce J. Zabarauskas

8 **THOMPSON & KNIGHT LLP**

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19 **ATTORNEYS FOR GRUMA CORPORATION D/B/A**
MISSION FOODS

CERTIFICATE OF SERVICE

I, Katharine Battaia Clark, declare:

I am over the age of eighteen years and not a party to the within action. I am a member of the bar of the State of Texas, and I am admitted *pro hac vice* in this Court. My business address is Thompson & Knight LLP, 1722 Routh Street, Suite 1500, Dallas, Texas 75201.

On September 19, 2013, I served the document described as **NOTICE OF HEARING ON MOTION OF GRUMA CORPORATION D/B/A MISSION FOODS FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM PURSUANT TO 11 U.S.C. § 503(B)(9)** in this action by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid on the parties indicated below and by the Court's CM/ECF system on all parties consenting to service by same.

Court

Judge Arthur S. Weissbrodt
c/o Brook Esparza
United States Courthouse, Room 3035
280 South First Street
San Jose, CA 95113-3099

United States Trustee

Emily S. Keller, Esq.
Office of the United States Trustee
280 S. First Street, Suite 268
San Jose, CA 95113

Debtor

Mi Pueblo San Jose, Inc.
P.O. Box 3288
12 San Jose, CA 95156

Special Counsel for Debtor

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San Jose, CA 95113-2375

Attorneys for Debtor

Heinz Binder, Esq.
Robert G. Harris, Esq.
David B. Rao, Esq.
Wendy W. Smith, Esq.
Roya Shakoori
Binder & Malter, LLP
2775 Park Avenue
Santa Clara, CA 95050

Attorney for Wells Fargo Bank, N.A.

Robert B. Kaplan
Walter W. Gouldsbury III
Jeffer Mangels Butler & Mitchell LLP
Two Embarcadero Center, Fifth Floor
San Francisco, California 94111

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 19, 2013 at Dallas, Texas.

Katharine Battaia Clark
Katharine Battaia Clark